

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATRICK DRUM,

Plaintiff,

v.

HAROLD CLARKE,

Defendant.

Case No. C06-5360 RBL/KLS

ORDER GRANTING PLAINTIFF'S
MOTION TO PERMIT REFERENCE
TO EARLIER MOTION

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1)(B) and Local MJR 3 and 4. Presently before the Court is Plaintiff's Motion to Permit Reference to Earlier Motion in Amended Complaint. (Dkt. #39). Plaintiff seeks to incorporate by reference, the declaration and questionnaires attached to his motion for appointment of counsel. (*See* Dkt. # 1, Attach. 3). Plaintiff states that he sent all of his copies of these documents to the Court (in accordance with Local Rule CR 103), but never received the additional copy back from the Clerk for his records. Defendants, who were not parties to the action at the time Plaintiff filed his initial *in forma pauperis* application and motion for appointment of counsel, object to the incorporation of these documents as they were never served with copies.

Ordinarily, whenever a pleading or other document is filed in paper form for the Clerk's office to scan and upload to CM/ECF, the filer must serve conventional copies on all parties to the case. This means that the Plaintiff is responsible for serving Defendants with copies of all pleadings and motions and that to properly make the documents at issue a part of his Amended Complaint,

1 copies should have been attached and served on the Defendants. However, the Court recognizes
2 that Plaintiff's exhibits were not returned to him through an inadvertent oversight. In addition,
3 Plaintiff has clearly identified the documents at issue so that there can be no confusion and
4 Defendants have access to the documents through CM/ECF. In this instance, therefore, the Court
5 finds that the Plaintiff may be permitted to reference the earlier documents without first having
6 served them on Defendants.

7 Accordingly, Plaintiff's motion (Dkt. # 39) is **GRANTED**. Plaintiff's motion for
8 reconsideration (Dkt. # 43) is **DENIED as moot**.

9 The Clerk is directed to send copies of this Order to Plaintiff and counsel for Defendants.

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11 DATED this 4th day of January, 2007.

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15 Karen L. Strombom
16 United States Magistrate Judge
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